IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.257 OF 2005

Subhash Chandra Gupta. .. .. Petitioner
v/s.
Union of India & ors. .. .. Respondents

Mr.D.V. Gangal for petitioner.

Mr.V.B. Pange holding for Mr.Pakale for respondents.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 9TH MARCH 2005

P.C. :

1. Heard Mr.Gangal in support of this petition. Mr.Pange is present for Mr.Pakale for the respondents.

2. Under the order which the petitioner has impugned, the Central Administrative Tribunal (for short "CAT") has laid down a period of three months to complete the enquiry and pass fresh orders failing which the petitioner is to be reinstated (Para-19 of the order dated 17th November 2004 of the CAT). The petitioner is aggrieved by permission to start de novo enquiry.

The respondents are not aggrieved and they have not challenged this order. This being so, that order holds the field. Inasmuch as the three months have clearly gone after 17th November 2004, the respondents are duty bound to reinstate the petitioner forthwith.

3. As far as the de novo enquiry is concerned, although the CAT had not laid down anything with respect to the fate of the revived enquiry, we deem it necessary. This is because the petitioner had been suspended some five years back. A detailed enquiry was held and thereafter he was exonerated. It is only because the Disciplinary Authority has taken another view that now the respondents have sought to hold a fresh enquiry and the CAT has permitted this further enquiry. We direct the respondents to complete this further enquiry, if they want to hold it, within six months or so, i.e. by end of August 2005, failing which the enquiry shall be deemed to be quashed. Petition is disposed of with this order.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)